

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**



Application of: **Michael BERGT, et al.**  
Serial No.: 10/501,679  
Filed: July 16 2004 as national phase of International Application  
No. PCT/EP03/00446, filed January 17, 2003  
For: **FEMTOSECOND LASER SYSTEM FOR THE EXACT  
MANIPULATION OF MATERIAL AND TISSUES**

Mail Stop: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 15, 2004

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Sir:

In response to the Notification of Missing Requirements dated December 6, 2004, a copy of which is enclosed, please find an executed Declaration/Power of Attorney form signed by the inventors, and a check in the amount of \$130.00 covering the filing surcharge.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

12/27/2004 LLANDGRA 00000078 10501679

01 FC:1617 130.00 DP  
02 FC:1618 130.00 DP

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By 

William C. Gehris, Reg. No. 38,156  
(signing for Thomas P. Canty, Reg. No. 44,586)

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



PCT\$  
Docket No.: 134.1029  
Date: December 15, 2004

In re application of: Michael BERGT, et al.  
Serial No.: 10/501,679  
Filed: July 16, 2004 as national phase of International Patent Application Serial No. PCT/EP03/00446, filed January 17, 2003  
For: FEMTOSECOND LASER SYSTEM FOR THE EXACT MANIPULATION OF MATERIAL AND TISSUES

Sir:

Transmitted herewith is a **Response to Notification of Missing Requirements (1 page)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Co]. 1)	(Co]. 2)	SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST	RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY					
	AMENDMENT	PAID FOR					
TOTAL CLAIMS	* Minus 20	=	0			x \$ 18	\$
INDEP. CLAIMS	* Minus 3	=	0			x \$ 88	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+ \$ 300	\$
						TOTAL:	\$

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:  
☐ Petition for extension under 37 C.F.R. 1.136  
☒ Other: **English translation of the specification (23 pages); Copy of signed declaration (1 page); Copy of Notification of Missing Requirements (2 pages); Preliminary Amendment (8 pages)**
- ☒ Check(s) in the amount of **\$260.00** is/are attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition fee for extension under 37 C.F.R. 1.136  
☒ Other: **Processing fee for late translation under 37 C.F.R. §1.492(f); Surcharge for late declaration under 37 C.F.R. §1.492(e)**
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on December 15, 2004.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:

Oliver Platz



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/501,679	Michael Bergt	134.1029

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**RECEIVED**  
 DEC 13 2004

DAVIDSON, DAVIDSON & KAPPEL

Date Mailed: 12/06/2004

INTERNATIONAL APPLICATION NO.	
PCT/EP03/00446	
LA. FILING DATE	PRIORITY DATE
01/17/2003	01/18/2002

CONFIRMATION NO. 2312  
 371 FORMALITIES LETTER



\*OC000000014670393\*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/16/2004
- Copy of the International Search Report filed on 07/16/2004
- Copy of IPE Report filed on 07/16/2004
- Information Disclosure Statements filed on 07/16/2004
- Oath or Declaration filed on 07/16/2004
- Request for Immediate Examination filed on 07/16/2004
- U.S. Basic National Fees filed on 07/16/2004
- Priority Documents filed on 07/16/2004

*IPM 12-14-04*  
*W7-6-05 MISSING PARTS, TRANSLATION & PROCESSING FEES DUE (DEADLINE)*  
*W2-6-05 MISSING PARTS, TRANSLATION & PROCESSING FEES DUE (2 MONTH DATE)*  
*W 1-6-05 REMINDER*  
*CSK/WCG/OP*

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(f)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$260** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- **\$130** for English translation surcharge required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 305-3686

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/501,679	PCT/EP03/00446	134.1029

FORM PCT/DO/EO/905 (371 Formalities Notice)